

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statement "Each Capsule Contains: * * * Vitamin D (Irradiated Ergosterol) 1000 U. S. P. Units" was false and misleading since the product contained less than 1,000 U. S. P. units of vitamin D.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 18, 1952. Default decree of condemnation and destruction.

19397. Adulteration and misbranding of calcium with phosphorus tablets. U. S. v. 15 Cases, etc. (F. D. C. No. 33282. Sample No. 18420-L.)

LABEL FILED: June 3, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about April 21, 1952, by the Live Food Products Co., from Burbank, Calif.

PRODUCT: 15 cases, each containing 12 bottles, and 1 case, containing 7 bottles, of calcium with phosphorus tablets at New York, N. Y. Each bottle contained 156 tablets.

LABEL, IN PART: (Bottle) "Bragg Calcium with Phosphorus, Vitamin D, Vitamin C, Iodine * * * Ingredients: Six tablets supply: * * * Vitamin D 1000 USP units * * * Net contents 156 tablets."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted.

Misbranding, Section 403 (a), the label statement "Six tablets supply: * * * Vitamin D 1000 USP units" was false and misleading. (Analysis disclosed that the article contained approximately 50 percent of the declared amount of vitamin D.)

DISPOSITION: October 3, 1952. Default decree of condemnation. The court ordered that samples of the product be delivered to the Food and Drug Administration and that the remainder be destroyed.

19398. Adulteration and misbranding of sweet chocolate candy and sweet milk chocolate candy with almonds. U. S. v. 8 Boxes, etc. (and 1 other seizure action). (F. D. C. Nos. 33004, 33263. Sample Nos. 23420-L, 23421-L, 37883-L.)

LABELS FILED: April 7 and May 23, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about October 31 and December 12, 1951, and March 18, 1952, by the Cook Chocolate Co., from Chicago, Ill.

PRODUCT: 8 boxes and 96 boxes, each containing 24 bars, of sweet chocolate candy, and 29 boxes and 96 boxes, each containing 24 bars, of sweet milk chocolate candy with almonds, at New York, N. Y.

Analyses disclosed that the 96-box lots of the sweet chocolate candy and the sweet milk chocolate candy with almonds contained approximately 20 percent of the declared amount of vitamin A; that the 8-box lot of the sweet chocolate candy contained approximately 608 International Units of vitamin A, 0.25 milligram of vitamin B₁, 1.83 milligrams of vitamin B₂, 15.2 milligrams of vitamin C, and 3.2 milligrams of niacinamide per bar; and that the 29-box lot of the sweet milk chocolate candy with almonds contained approximately 888 International Units of vitamin A, 0.46 milligram of vitamin B₁, 1.90 milli-

grams of vitamin B₂, 8.6 milligrams of vitamin C, and 4.27 milligrams of niacinamide per bar.

LABEL, IN PART: (Bar) "Sweet Chocolate Candy Vita Sert Contains Sweet Chocolate and Vitamins A-4000 I. U. B₁-1 Mg. B₂-2 Mg. C-30-Mg. D-400 I. U. * * * 10 Mg. Niacin Amide Net Wt. 1 $\frac{3}{8}$ Oz." and "Sweet Milk Chocolate Vita Sert With Almonds Contains Sweet Milk Chocolate, Almonds Vitamins A-4000 I. U. B₁-1 Mg. B₂-2 Mg. C-30 Mg. D-400 I. U. * * * 10 Mg. Niacin Amide Net Wt. 1 $\frac{3}{8}$ Oz."

NATURE OF CHARGE: Adulteration (all lots), Section 402 (b) (1), valuable constituents, vitamins A, B₁, B₂, and C, and niacinamide, had been in part omitted or abstracted from the products.

Misbranding (all lots), Section 403 (a), the label statements "A-4000 I. U. B₁-1 Mg. B₂-2 Mg. C-30 Mg. D-400 I. U. * * * 10 Mg. Niacin Amide" were false and misleading as applied to products which contained less than the stated amounts of vitamins A, B₁, B₂, C, and niacinamide.

Further misbranding (sweet chocolate candy), Section 403 (g) (1), the product purported to be and was represented as sweet chocolate candy, a food for which a definition and standard of identity has been prescribed by regulations, and the product failed to conform to such definition and standard since it contained added vitamins, which are not permitted as optional ingredients of sweet chocolate in such definition and standard.

DISPOSITION: December 16, 1952. Default decrees of condemnation and destruction.

MISCELLANEOUS FOODS

19399. Misbranding of potato preservative. U. S. v. 8 Cases * * *. (F. D. C. No. 33113. Sample No. 29585-L.)

LIBEL FILED: May 8, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about November 8, 1951, by the G. B. Bashaw Co., from Portland, Oreg.

PRODUCT: 8 cases, each containing 4 1-gallon jugs, of potato preservative at Everett, Wash.

LABEL, IN PART: "Magic Potato Preservative."

NATURE OF CHARGE: Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient.

DISPOSITION: July 29, 1952. Default decree of condemnation and destruction.

19400. Misbranding of Noe-Ice sportsman kits. U. S. v. 2,597 Kits * * *. (F. D. C. No. 32583. Sample No. 34429-L.)

LIBEL FILED: March 10, 1952, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 20 and August 1, 1951, by the Noe-Ice Sales Corp., from Los Angeles, Calif.

PRODUCT: 2,597 Noe-Ice sportsman kits, each containing 25 tablets, at St. Louis, Mo. Each kit contained also a spray bottle and a circular headed "Keeps Fish, Fowl, Game Fresh Without Ice."

LABEL, IN PART: (Kit) "Sportsman Kit Noe-Ice Miracle Stay Fresh Spray Directions Each tablet contains the following active ingredients: Sodium Benzoate 12.5 milligrams chloramine T 25 milligrams in a base of Sodium